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OPENING STATEMENT

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SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS

HEARINGS ON H.R. 4599 AND H.R. 5092

TUESDAY, APRIL 3, 1984

THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS WILL COME TO ORDER.

TODAY, THE SUBCOMMITTEE WILL BEGIN A SERIES OF HEARINGS ON H.R. 4599, THE FEDERAL PAY EQUITY ACT OF 1984, AND H.R. 5092, THE PAY EQUITY ACT OF 1984. TWO DAYS OF HEARINGS WILL BE HELD IN WASHINGTON, D. C. I WILL COMPLETE THE SERIES IN FIELD HEARINGS THROUGHOUT THE COUNTRY DURING THE SUMMER. I AM PLEASED TO HAVE SO MANY FINE WITNESSES APPEARING TODAY AND ANXIOUSLY AWAIT YOUR TESTIMONY.

IN THE FALL OF 1982, I WAS FORTUNATE ENOUGH TO CO-CHAIR WITH CONGRESSWOMEN PATRICIA SCHROEDER AND GERALDINE FERRARO, THE FIRST CONGRESSIONAL HEARINGS ON PAY EQUITY. DURING THOSE HEARINGS, WE CONFIRMED THAT SEX-BASED WAGE DISCRIMINATION IS PERVERSIVE IN THE

PRIVATE AND PUBLIC SECTORS. WITNESSES AT THE HEARINGS URGED THAT IN ORDER TO ELIMINATE THESE DISCRIMINATORY PRACTICES, THE FEDERAL GOVERNMENT NEEDS TO BE AGGRESSIVE IN ENFORCING THE CURRENT LAWS. WE WERE, IN FACT, PROMISED INCREASED ENFORCEMENT EFFORTS BY ADMINISTRATION OFFICIALS.

UNFORTUNATELY, SINCE THAT TIME IT APPEARS THAT THE ADMINISTRATION HAS FAILED TO KEEP FAITH WITH THE WORKING WOMEN OF THIS COUNTRY. WHILE VIGOROUS LITIGATION AND BARGAINING EFFORTS ARE BEING PURSUED BY SEVERAL MAJOR UNIONS, AND STATE AND LOCAL GOVERNMENTS CONTINUE TO EXAMINE THEIR PAY STRUCTURES FOR DISCRIMINATION AGAINST WOMEN, THE FEDERAL GOVERNMENT IS NOW DOING NOTHING. IN FACT, THE ADMINISTRATION MAY MOVE FROM BENIGN NEGLECT TO ACTIVE OPPOSITION WITHIN THE WEEKS AHEAD BY FORMALLY CASTING ITS LOT IN FEDERAL COURT WITH VOCAL OPPONENTS TO PAY EQUITY.

THE EQUAL PAY ACT OF 1963 PROHIBITS AN EMPLOYER FROM PAYING A WOMAN LESS THAN A MAN IF THEY ARE PERFORMING THE SAME JOB--WHICH REQUIRES EQUAL SKILL, EFFORT, AND RESPONSIBILITY. SIMILARLY, THE CIVIL RIGHTS ACT OF 1964 (TITLE VII) PROHIBITS EMPLOYERS FROM PAYING WOMEN LOWER WAGES EVEN WHEN JOB CONTENT DIFFERS.

EVEN THOUGH THESE LAWS ARE 20 YEARS OLD, WOMEN STILL AVERAGE 40 PERCENT LESS IN EARNINGS THAN MEN. IN 1939, WOMEN EARNED 63.06 CENTS FOR EVERY DOLLAR EARNED BY MEN. IN 1950, THIS DROPPED TO 62 CENTS AND HAS REMAINED AT THAT LEVEL EVER SINCE.

IN A VERY REAL SENSE, WOMEN ARE GOING BACKWARD DESPITE THE COMMITMENT OF OUR NATION TO ELIMINATE DISCRIMINATION IN ALL FACETS OF LIFE. FOR WOMEN IT'S A CATCH 22 SITUATION; LOW WAGES AS WORKERS TRANSLATE INTO EVEN LOWER SOCIAL SECURITY AND PENSION BENEFITS IN THEIR RETIREMENT YEARS.

TWO DECADES AFTER THE EPA AND CIVIL RIGHTS ACT, THE WAGE DIFFERENTIAL HAS REMAINED VIRTUALLY UNCHANGED DESPITE THE FACT THAT NEARLY HALF OF ALL BACHELORS AND MASTERS DEGREES ARE NOW EARNED BY WOMEN. BOTH BLACK AND WHITE WOMEN WHO ARE COLLEGE GRADUATES HAVE LOWER MEAN EARNINGS THAN WHITE MEN WITH EIGHTH GRADE EDUCATIONS.

IT IS STILL TRUE THAT THE MORE AN OCCUPATION IS DOMINATED BY WOMEN, THE LESS IT PAYS. THE AVERAGE ANNUAL SALARY FOR A SECRETARY IS NEARLY \$4,000 A YEAR LESS THAN A TRUCK DRIVER. PRIVATE HOUSEHOLD WORKERS, 95 PERCENT OF WHOM ARE WOMEN, EARN LESS THAN HALF OF WHAT IS PAID A JANITOR. AND MOST CHILD CARE WORKERS ARE PAID LESS THAN DOG POUND ATTENDANTS. OUR PETS SEEM TO BE MORE IMPORTANT THAN OUR CHILDREN. WHAT A SAD COMMENTARY FOR THE FUTURE OF OUR COUNTRY.

NOT ONLY ARE WOMEN CLUSTERED IN LOW-PAYING OCCUPATIONS, ACCORDING TO A REPORT OF THE NATIONAL ACADEMY OF SCIENCE, THEY ARE MORE LIKELY THAN MEN TO BE EMPLOYED IN LOW-PAYING FIRMS. THIS CLUSTERING IS ALSO TRUE OF OUR FEDERAL GOVERNMENT.

IN ADDITION, 90 PERCENT OF ALL SINGLE PARENTS ARE WOMEN, 35 PERCENT OF WHOM FALL BELOW THE POVERTY LEVEL. FIFTY-THREE PERCENT OF ALL WOMEN NOW WORK, AN INCREASE OF 30 PERCENT SINCE 1950. FURTHERMORE, WOMEN WHO MAINTAIN FAMILIES AVERAGE \$10,000 A YEAR, WHILE TWO-EARNER COUPLES EARN APPROXIMATELY \$28,000.

WHY DOES THE WAGE GAP PERSIST BETWEEN MEN AND WOMEN? IS IT SIMPLY THAT WOMEN'S WORK IS VALUED LESS THAN MEN'S? IS THE LAW INADEQUATE IN PROTECTING WOMEN WORKERS? OR, IS THE ISSUE OF PAY DISCRIMINATION MISUNDERSTOOD?

PART OF THE REASON THAT SEX-BASED WAGE DISCRIMINATION EXISTS, DESPITE CURRENT LAW, IS THAT WOMEN REMAIN IN TRADITIONALLY FEMALE DOMINATED OCCUPATIONS. EIGHTY-ONE PERCENT OF CLERICAL WORKERS, 96 PERCENT OF NURSES, AND 82 PERCENT OF ELEMENTARY SCHOOL TEACHERS ARE WOMEN. IN MY OPINION, TEACHERS, NURSES, AND CLERICAL WORKERS ARE PAID LESS BY VIRTUE OF THEIR GENDER AND THEIR ROLES IN SOCIETY, AND NOT BECAUSE THEIR OCCUPATIONS ARE OF LESS VALUE TO OUR NATION.

SOME WOULD ARGUE THAT BY OPENING CAREER OPPORTUNITIES FOR WOMEN IN TRADITIONALLY MALE DOMINANT JOBS, WAGE DISCRIMINATION WILL EVENTUALLY DISAPPEAR. BUT THE JOBS WOMEN PERFORM ARE ESSENTIAL TO OUR SOCIETY. WE, OUR CHILDREN, AND OUR SENIOR CITIZENS NEED QUALITY HEALTH CARE. THE FUTURE OF OUR COUNTRY IS DEPENDENT UPON OUR EDUCATIONAL SYSTEM. RATHER THAN SIMPLY DECLARING VICTORY WHEN WOMEN ATTORNEYS ARE EQUAL IN NUMBER TO

MEN, WE NEED TO REEXAMINE "WOMEN'S WORK" AND ESTABLISH THE TRUE VALUE FOR THESE OCCUPATIONS. WE NEED TO ATTACK SEX-BASED WAGE DISCRIMINATION WITH THE SAME SPIRIT AND COURAGE AS THE "FREEDOM RIDERS" OF A GENERATION AGO.

UNION ACTIVITY THROUGH COLLECTIVE BARGAINING AND LITIGATION HAS PROVEN EFFECTIVE IN ELIMINATING PAY INEQUITY. BUT THIS IS A COSTLY PROCESS AND NOT AVAILABLE TO EVERY WOMAN WORKER. STATE AND LOCAL GOVERNMENTS ARE ALSO BEGINNING TO LOOK AT THEIR OWN PAY STRUCTURES TO DETERMINE WHETHER SEX-BASED WAGE DISCRIMINATION EXISTS. WE CAN ALL APPLAUD AND FIND ENCOURAGEMENT IN THE RECENT COURT DECISION IN THE STATE OF WASHINGTON.

CORPORATIONS ARE ALSO STARTING TO VOLUNTARILY EXAMINE THEIR PAY PRACTICES. ONLY THE FEDERAL GOVERNMENT IS STANDING MUTE. WHILE MINNESOTA, CONNECTICUT, AND SOME CITIES IN CALIFORNIA ARE TAKING AFFIRMATIVE ACTION TO ELIMINATE WAGE DISCRIMINATION IN VARIOUS OCCUPATIONS, THIS ADMINISTRATION SEEMS TO BE DEVOTING ITS ENERGY TO DEFINING TERMS--NOT TO ENFORCING THE PRESENT LAWS.

MEMBERS OF CONGRESS ON BOTH SIDES OF THE AISLE HAVE INTRODUCED LEGISLATION IN REACTION TO THE FEDERAL GOVERNMENT'S LACK OF COMMITMENT, IF NOT OUTRIGHT OPPOSITION, TO PAY EQUITY. I AM A FIRM BELIEVER THAT THE LAWS WHICH ARE IN PLACE PROVIDE ADEQUATE PROTECTION TO EMPLOYEES. THE LEGISLATION I HAVE INTRODUCED ILLUSTRATES THAT BELIEF.

THE ADMINISTRATION SHOULD BE AN ADVOCATE OF PAY EQUITY, BUT IT IS JUST THE OPPOSITE. INSTEAD OF ENFORCING THE LAW, IT IS THWARTING IT. MY LEGISLATION WOULD REQUIRE THE ADMINISTRATION TO FULFILL ITS ENFORCEMENT DUTIES. ONE BILL, H.R. 4599, MANDATES THE OFFICE OF PERSONNEL MANAGEMENT TO STUDY AND IDENTIFY THE WAGE DISCREPANCIES IN THE FEDERAL CLASSIFICATION STRUCTURE AND TO DEVISE A MORE EQUITABLE JOB EVALUATION PROGRAM. IF SUCCESSFUL, THE FEDERAL STRUCTURE SHOULD PROVIDE A WORKING EXAMPLE TO THE PRIVATE SECTOR AND THE STATES.

MY SECOND BILL WOULD REQUIRE PERIODIC, DETAILED REPORTS TO THE PRESIDENT AND CONGRESS BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, THE ATTORNEY GENERAL, AND THE DEPARTMENT OF LABOR DESCRIBING THE ACTIONS TAKEN BY THESE AGENCIES TO ENFORCE FEDERAL LAWS PROHIBITING WAGE DISCRIMINATION. IT IS NO SECRET THAT THE EEOC'S ACTIVITY, IF I CAN EVEN USE THAT TERM, LEAVES MUCH TO BE DESIRED. IT SEEMS THAT THE ONLY REAL ACTIVITY AT THIS AGENCY IS TRACKING ITS GROWING INVENTORY OF UNPROCESSED SEX-BASED WAGE DISCRIMINATION CHARGES. IT IS MY HOPE THAT THIS WILL SOON CHANGE AND THAT THE LEGISLATION I AM SPONSORING WILL PROMPT THE FEDERAL GOVERNMENT TO TAKE A HARD, SERIOUS LOOK AT PAY EQUITY--THAT THIS ADMINISTRATION WILL FINALLY BEGIN TO FULFILL ITS STATUTORY RESPONSIBILITIES.

FOR THE RECORD, I DO WANT TO POINT OUT THAT THE PRESIDENT, AND OFFICIALS FROM THE JUSTICE DEPARTMENT AND THE LABOR DEPARTMENT, WERE INVITED TO PARTICIPATE IN THESE HEARINGS. THE

PRESIDENT DECLINED OUR INVITATION AND JUSTICE AND LABOR REFUSED TO SEND WITNESSES. SAD AS IT IS TO SAY, THEIR SILENCE IS ILLUSTRATIVE OF THE INATTENTION THAT THIS ADMINISTRATION HAS GIVEN TO AN ISSUE THAT AFFECTS EVERY WOMAN IN THIS COUNTRY.

AGAIN, I WELCOME ALL THE WITNESSES AND LOOK FORWARD TO THEIR TESTIMONY.